

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DONALD TURNER,)	CASE NO. 4:12 CV 797
)	
Petitioner,)	JUDGE JAMES S. GWIN
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
WARDEN PUGH,)	<u>AND ORDER</u>
)	
Respondent.)	

On April 2, 2011, petitioner *pro se* Donald Turner filed the above-captioned *in forma pauperis* habeas corpus action. Turner, who was formerly incarcerated at the Northeast Ohio Correctional Center (“NEOCC”), names NEOCC Warden Pugh as respondent. The petition alleges Turner was subjected to various adverse conditions of confinement at NEOCC, and seeks release and return of his passport.

Habeas corpus is not the appropriate vehicle for challenging the conditions of one's confinement. *Preiser v. Rodriguez*, 411 U.S. 475, 498-99 (1973); *Young v. Martin*, No. 02-2518, 83 Fed.Appx. 107, 109 (6th Cir. Dec. 5, 2003); *Okoro v. Scibana*, No. 1322, 1999 WL 1252871 (6th Cir. Dec. 15, 1999). Further, to the extent petitioner seeks relief other than release, the appropriate action would be to file a civil rights complaint.¹ Finally, petitioner filed a change of address notice on May 30, 2012, indicating he has been transferred to FCI Loretto. His petition is therefore moot.

Accordingly, the request to proceed *in forma pauperis* is granted, the petition for writ of

¹ To file a civil rights action, petitioner would be required either to pay the \$350 filing fee or to file a prisoner account statement so that the court would have sufficient financial information to assess and collect the filing fee. 28 U.S.C. § 1915; *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

habeas corpus is denied, and this action is dismissed pursuant to 28 U.S.C. § 2243. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: July 14, 2012

s/ *James S. Gwin*

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE